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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/610,613 | 07/05/2000 | Machio Moriuchi | 034620-065 | 3903 |

7590 12/01/2005

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| EXAMINER |
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CHOW, MING

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| ART UNIT | PAPER NUMBER |
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2645

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|-------------------------------|---------------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/610,613 | Applicant(s) MORIUCHI ET AL. | |
| | Examiner Ming Chow | Art Unit 2645 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-39.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: Response to arguments and Form-1449 attached.

1. Regarding IDS, Examiner acknowledges the submitted document. A copy of Form-1449 with Examiner's signature is attached.
2. Applicant argues, on page 19-20, regarding "the information being displayed on the monitor is the tallied result of the response data from the students, not the reception state of the voice data based on the reception results of the voice data". The Examiner disagrees with the argument. The contents or types of data is out of the scope of the claimed limitations. The teaching reference fully reads on the claimed limitations.
3. Applicant argues, on page 20, regarding "visually indicating reception state". Harper et al teach on column 15 line 26-49, the participant's response data (claimed "reception result") are displayed (claimed "visually indicating") at the teacher control system (claimed "terminal") which includes the displaying monitor (item 202 Fig. 2). The three elements of a packet include: 1. header, 2. text/payload, 3. trailer (see Newton's Telecom Dictionary).
4. Applicant argues, on page 21, regarding "an utterance data". In view of the current specification (line 1-8 page 17). A data packet (claimed "voice data") includes header and body. The header (claimed "utterance data") is shorter than the voice packet which also includes the "body" that is the voice data.
5. Applicant argues, on page 22, regarding "authorization". The argument of "an optional terminal to another optional terminal" is not within the scope of claimed limitation. Furthermore, Harper et al teach on column 15 line 37-39, the administrative computer transmits authorization.

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6. Applicant argues, on page 24, 24, 26, 27, 29, regarding motivations. All motivations for combining primary and secondary references have been clearly stated in each claim's rejection.
7. Applicant argues, on page 25, regarding claimed "an avatar". The display as taught by Bales et al is a specific display.


Patent Examiner

Art Unit 2645

Ming Chow

11-28-05

(M)


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